

IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

MISC. CRIMINAL APPLICATION NO. 260 OF 2009

IN

CRIMINAL APPLICATION NO. 2447 OF 2009

Shri Rashmikanth M. Shah .. Applicant

Versus

The State of Maharashtra and
and others ..

Respondents

Shri Shekhar Naphade Senior Counsel with Ms. Usha Rani i/by
M/s Mayur Narendra & Co. for the Applicant.

Shri Sayaji R. Shinde, APP for the Respondent No.1-State

Shri Amit Desai, Senior Advocate with Shri Ravi Kamat, i/by Shri
Tushar Shah for Respondent No.2

CORAM: MRS. MRIDULA BHATKAR, J.

VACATION COURT

DATED: 29th May, 2009

P. C.

1. This application is preferred by the applicant accused
praying that he be shifted from J. J. Hospital to Leelawati Hospital,

Bandra for treatment.

2. Learned Senior Counsel appearing for the applicant accused submits that the fact that the applicant/accused requires medical treatment is not disputed and for this submission, he relied on the application dated 14.5.2009 made by the Police for transfer of the Accused in Judicial custody. He further relied on the discharge card of the accused dated 23rd May, 2009 from Leelawati Hospital & Research Centre, Bandra. The learned Counsel has pointed out that in the discharge Card, the medical officer has advised the Coronary Angiography and has also mentioned about other ailments.

3. The Learned Prosecutor and counsel for the original complainant opposed this application. The learned prosecutor produced the extract of station diary to demonstrate violent behaviour and non cooperative attitude of the applicant accused and submitted that best treatment can be given in J.J. Hospital.

4. The discharge Card of Leelawati Hospital discloses that the applicant accused has some ailments and he needs to be medically treated. The J.J. Hospital, being a Government Hospital and having facility and proper jail custody, I am of the view that the accused should not be shifted to Leelawati Hospital, Bandra.

5. The Head of the department of the Cardiac Department of the J.J. Hospital is directed to examine and treat the accused and submit detail report about the treatment given to him day to day, from today onwards. So also, the Superintendent of

J. J.Hospital is directed to submit report of the medical treatment given to the accused earlier, if any and also produce all the medical reports before the Court about the diagnosis of the health problem of the applicant accused.

Accordingly, the application stands disposed of.

Learned prosecutor points out that the accused has refused to accept the service of Application No. 2447 of 2009. The Prosecution to re serve.

(MRIDULA BHATKAR, J.)

jpc/-